**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE S.SIRI JAGAN**

**FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929**

**WP(C).No. 19210 of 2004(J)**
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**PETITIONERS:**
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1. **A.N.SASIDHARAN, NOW WORKING AS INSTRUCTOR IN PHYSICAL EDUCATION, MAHARAJA'S GOVT. TECHNOLOGICAL INSTITUTE, THRISSUR-20.**

2. **JOY.K.T., NOW WORKING AS PHYSICAL INSTRUCTOR, GOVERNMENT POLYTECHNIC COLLEGE, TIRURANGADI.**

**BY ADV. SRI.P.BHASKARAN**

**RESPONDENTS:**
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1. **STATE OF KERALA REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DIRECTOR OF COLLEGIATE EDUCATION, THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SMT.M.R.SREELATHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO. 19210/2004**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE SELECT LIST OF QUALIFIED PHYSICAL EDUCATION TEACHERS IN GENERAL EDUCATION SUBORDINATE SERVICE, PREPARED BY THE 2ND RESPONDENT DT. 9.2.94.**

**EXT.P2:- COPY OF THE APPOINTMENT ORDERS NO.ESTT. B1-93867/91 DT. 15.6.94 ISSUED TO PETITIONERS 1 AND 2 BY THE 2ND RESPONDENT.**

**EXT.P3:- COPY OF THE ORDER NO.B1-15937/94/CELL. EDN. DT. 28.3.03 ISSUED BY THE 2ND RESPONDENT.**

**EXT.P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE IST PETITIONER TO THE 2ND RESPONDENT DT. 12.6.03.**

**EXT.P4(a):- COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER TO THE 2ND RESPONDENT DT. 20.6.03.**

**EXT.P5:- COPY OF THE REPLY SENT BY THE 2ND RESPONDENT TO THE 2ND PETITIONER DT. 19.7.03.**

**/TRUE COPY/**

**P.A. TO JUDGE**

**tss**

S.SIRI JAGAN,J

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W.P.(C).No.19210 of 2004

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Dated this the 30th day of November, 2007

JUDGMENT

The petitioners are instructors in Physical Education in Government Polytechnic Colleges. According to them, they are entitled to be appointed by transfer as Lecturer in Physical Education in the vacancy which arose prior to the amendment of the statutory Rules regarding qualifications for the post of Lecturer in Physical Education which amendment came into force on 21.3.1994. They also rely on the judgment dated 19.12.2002 in O.P.No.3474/1994. I am not inclined to entertain this writ petition filed on 29.6.2004 claiming promotion to the vacancies which are stated to have arisen prior to 21.3.1994. Accordingly, the writ petition is dismissed on the ground of unexplained delay and latches.

S.SIRI JAGAN, JUDGE

dvs